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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,758	05/09/2006	Masahisa Masuda	5869-0049	6082
73552 7590 05/22/2009 Stolowitz Ford Cowger LLP 621 SW Morrison St Suite 600 Portland, OR 97205				
EXAMINER				
NGUYEN, HUY D				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
05/22/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/595,758

**Applicant(s)**

MASUDA ET AL.

**Examiner**

HUY D. NGUYEN

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-4, 7, 9-11, 13, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art in view of Newman (US 5,708,970).

Regarding claims 1, 4, 11, 13, the admitted prior art discloses a communication device, comprising: a wireless part wireless part including a wireless transmitter (e.g., part 151) and wireless receiver (e.g., part 150, see fig. 1); a transmitter/receiver part including a receiver circuit (e.g., receiver 8) for processing a reception signal received by the wireless receiver and a transmitter circuit (e.g., transmitter 11) for processing a transmission signal transmitted by the wireless transmitter (see fig. 1); and a control part selectively connecting the wireless transmitter to the transmitter circuit and selectively connecting the wireless receiver to the receiver circuit according to a switched stand-by mode and communication mode (see fig. 1 and the Back ground of the invention, page 3, lines 4-13). The AAPA does not disclose the control part further including a tone generator configured to output an activation tone on the transmission signal when switched to the communication mode, the activation tone automatically causing a handset receiving the transmission signal to switch from a reception mode to a reception and transmission mode. The preceding limitation is taught in Newman (see col. 1, lines 20-23). It

would have been obvious to have implemented the teaching of the AAPA with the teaching of Newman in order to save power.

Regarding claim 3, the examiner takes official notice that push-to-talk has been known in the art. It would have been obvious to have used push-to-talk since they have been widely used in the art (MPEP 2144.03).

Regarding claims 7, 9-10, the examiner takes official notice that transducers, antenna switches have been known in the art. It would have been obvious to have used transducers, antenna switches since they have been widely used in the art (MPEP 2144.03).

Regarding claim 16, the examiner takes official notice that switches used to open/close a circuit have been known in the art. It would have been obvious to have used switches to open/close circuit since they have been widely used in the art (MPEP 2144.03).

3. Claims 2, 5-6, 12, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art in view of Newman and Ferianz (US 6,795,549).

Regarding claims 2, 5-6, 12, 14, the AAPA in view of Newman does not teach the tone detector automatically activates/deactivates communication modes. The preceding limitation is taught in Ferianz (see col. 1, lines 6-15). It would have been obvious to have implemented the AAPA in view of Newman with the teaching of Ferianz in order to save energy.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art in view of Newman and Yoon (US 2004/0213427).

Regarding claim 8, the AAPA in view of Newman does not teach noise filter. The preceding limitation is taught in Yoon (see claim 6). It would have been obvious to have implemented the AAPA in view of Newman with the teaching of Yoon in order to get rid of noise.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art in view of Newman and Shugart, III (US 5,420,930).

Regarding claim 15, the AAPA in view of Newman does not teach amplifier. The preceding limitation is taught in Shugart, III (see col. 2, lines 15-18). It would have been obvious to have implemented the AAPA in view of Newman with the teaching of Shugart, III in order to get stronger signals.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY D. NGUYEN whose telephone number is (571)272-7845. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph H. Feild/  
Supervisory Patent Examiner, Art Unit  
2627

/Huy D Nguyen/  
Examiner, Art Unit 2627